

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**\$10,110.00 IN UNITED STATES
CURRENCY,**

Defendant.

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Case No. 8:12cv200

FINDINGS AND RECOMMENDATION

This case is before the court on the claimant Deverick Simpson's Motion to Suppress Statements (#21). The claimant moves the court for an order suppressing a portion of the statements made by the claimant to law enforcement on January 10, 2012.

The claimant and the government have filed a Stipulation (#30) wherein the parties stipulate and agree that the claimant was in custody for purposes of Miranda v. Arizona, 384 U.S. 436 (1966), when he was told to exit his vehicle and sit on the curb. The parties also agree that no Miranda warnings were given to the claimant. The stipulation further states that all statements made by the claimant in response to questions or statements made by law enforcement, after he was removed from his automobile and told to sit on the curb, should be suppressed as custodial statements taken by law enforcement without the benefit of Miranda.

I adopt the Stipulation and recommend to Chief Judge Laurie Smith Camp that the claimant's Motion to Suppress Statements (#21) be granted as to statements made in response to questions or statements made by law enforcement after claimant was removed from his automobile and told to sit on the curb.

IT IS ORDERED:

The Stipulation of the United States and the claimant, Deverick Simpson, is adopted by the court for purposes of ruling on the Motion to Suppress (#21).

IT IS RECOMMENDED that Claimant Deverick Simpson's Motion to Suppress Statements (#21) should be granted as to all statements made in response to questions or statements made by law enforcement after Simpson was removed from his automobile and told to sit on the curb.

A party may object to a magistrate judge's order by filing a "Statement of Objection to Magistrate Judge's Order" within 14 days after being served with the order. The objecting party must comply with all requirements of NECivR 72.2.

Dated this 4th day of March 2013.

BY THE COURT:

S/ F.A. Gossett, III
United States Magistrate Judge